

HON. ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SIERRA CLUB, *et al.*,)
)
Plaintiffs,)
)
and)
)
THE SPOKANE TRIBE OF INDIANS,)
)
Plaintiff-Intervenor,)
)
v.)
)
DENNIS MCLERRAN, *et al.*,)
)
Defendants,)
)
and)
)
SPOKANE COUNTY; KAISER)
ALUMINUM WASHINGTON LLC; and)
STATE OF WASHINGTON)
DEPARTMENT OF ECOLOGY,)
)
Defendant-Intervenors.)
_____)

No. C11-1759RSL

STIPULATION AND [PROPOSED]
MODIFIED BRIEFING SCHEDULE

STIPULATION AND [PROPOSED]
BRIEFING SCHEDULE - 1

Case No. C11-1759RSL

David J. Kaplan.
United States Department of Justice
Environmental Defense Section
P.O. Box 7611
Washington D.C. 20044

1 All the Parties in this action -- Plaintiffs Sierra Club and Center for Environmental Law &
 2 Policy ("Plaintiffs"), Defendants United States Environmental Protection Agency ("EPA")
 3 Dennis McLerran, EPA Administrator Regina McCarthy and the United States Environmental
 4 Protection Agency (collectively "EPA"), Intervenor-Plaintiff Spokane Tribe of Indians, and
 5 Intervenor-Defendants Spokane County, Kaiser Aluminum Washington LLC, and State of
 6 Washington, Department of Ecology -- jointly stipulate to the following modified briefing
 7 schedule. Pursuant to the Court's Scheduling Order in this case (Dkt. 58), the Parties proposed a
 8 briefing schedule for summary judgment briefing that would resolve this case (Dkt. 73), which
 9 the Court adopted on September 12, 2013 (Dkt. 74). In accordance with that schedule, Plaintiffs
 10 and Intervenor-Plaintiff Spokane Tribe of Indians filed their respective motions for summary
 11 judgment on September 19 and 20, 2013. However, due to the lapse in federal appropriations
 12 and federal government shutdown, briefing in this matter was suspended, at the request of
 13 Federal Defendant EPA and with the agreement of the other Parties, per the Court's order dated
 14 October 9, 2013. (Dkt.86). Since the resumption of federal appropriations, all counsel have
 15 conferred and agreed to the following modification to the briefing schedule. The format for
 16 briefs and page lengths set out below is the same as previously approved by the Court; only the
 17 dates for filing of the briefs have been modified. These changes in the filing dates are necessary
 18 due to the prior lapse in federal appropriations, the press of work in other federal court litigation
 19 to which the undersigned counsel for EPA is assigned, and to accommodate intervening holiday
 20 schedules and work commitments of other counsel in this case. A further description of the
 21 nature of this case and the basis for the briefing format is set forth in the Parties' prior proposal
 22 and stipulation that was approved by the Court. (Dkt. 74).

28 STIPULATION AND [PROPOSED]
 29 BRIEFING SCHEDULE - 2

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Accordingly, the Parties' proposed modified summary judgment briefing schedule for the outstanding briefs is as follows:

	Brief	Filing Date	Page Limit
B.	Defendant EPA's Consolidated Brief (a) in Support of its Cross-Motion for Summary Judgment and (b) in Opposition to Plaintiffs' and Intervenor-Plaintiff Tribe of Spokane Indians' Respective Motions for Summary Judgment	January 15, 2014	46
	Intervenor-Defendant Kaiser Aluminum's Brief in support of its Motion for Summary Judgment	January 31, 2014	12
	Intervenor-Defendant Spokane County's Brief in Support of its Motion for Summary Judgment	January 31, 2014	12
	Intervenor-Defendant Washington Department of Ecology's Brief in support of its Motion for Summary Judgment	January 31, 2014	12
C.	Plaintiffs' Consolidated Brief (a) in Response to Defendants' and Intervenor-Defendants' Cross-Motions for Summary Judgment and (b) in Reply in Support of Motion for Summary	February 26, 2014	28
	Intervenor-Plaintiff Tribe of Spokane Indians' Consolidated Brief (a) in Response to Defendants' and Intervenor-Defendants' Cross-Motions for Summary Judgment and (b) in Reply in Support of Motion for Summary	February 26, 2014	10
D.	Defendant EPA's Reply in Support of its Cross-Motion for Summary Judgment	April 9, 2014	28
	Intervenor-Defendant Kaiser Aluminum's Reply in support of its Motion for Summary Judgment	April 9, 2014	10
	Intervenor-Defendant Spokane County's Reply in Support of its Motion for Summary Judgment	April 9, 2014	10

STIPULATION AND [PROPOSED]
BRIEFING SCHEDULE - 3

Case No. C11-1759RSL

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Intervenor-Defendant Washington Department
Of Ecology's Reply in Support of its Motion for
Summary Judgment

April 9, 2014

10

ORDER

IT IS SO ORDERED, on this _____ day of _____, 2013.

United States District Court Judge

STIPULATION AND [PROPOSED]
BRIEFING SCHEDULE - 4

Case No. C11-1759RSL

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STIPULATION AND [PROPOSED]
BRIEFING SCHEDULE - 5

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28 STIPULATION AND [PROPOSED]
29 BRIEFING SCHEDULE - 6

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